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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-230

13
14 **LIZA OCAMPO ASPIRAS**
15 **305 67th Avenue**
16 **Schererville, IN 46375**
17 **Registered Nurse License No. 461805**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

18 Respondent.
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21 **FINDINGS OF FACT**

- 22 1. On or about October 2, 2012, Complainant Louise R. Bailey, M.Ed., R.N., in her
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24 Consumer Affairs, filed Accusation No. 2013-230 against Liza Ocampo Aspiras ("Respondent")
25 before the Board of Registered Nursing. (Accusation attached as Exhibit A.)
26 2. On or about March 31, 1991, the Board of Registered Nursing ("Board") issued
27 Registered Nurse License No. 461805 to Respondent. The Registered Nurse License expired on
28 November 30, 2010, and has not been renewed.

1 3. On or about October 2, 2012, Respondent was served by Certified and First Class
2 Mail copies of Accusation No. 2013-230, Statement to Respondent, Notice of Defense, Request
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's address of record which, pursuant to California Code of Regulations,
5 title 16, section 1409.1, is required to be reported and maintained with the Board. Respondent's
6 address of record was and is: 305 67th Avenue, Schererville, IN 46375.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
9 124.

10 5. The aforementioned documents described in Paragraph 3 were not returned by the
11 U.S. Postal Service.

12 6. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the respondent
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts
15 of the accusation not expressly admitted. Failure to file a notice of defense shall
16 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
17 may nevertheless grant a hearing.

18 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
19 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2013-
20 230.

21 8. California Government Code section 11520 states, in pertinent part:

22 (a) If the respondent either fails to file a notice of defense or to appear at the
23 hearing, the agency may take action based upon the respondent's express admissions
24 or upon other evidence and affidavits may be used as evidence without any notice to
25 respondent.

26 9. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. 2013-230, finds

1 that the charges and allegations in Accusation No. 2013-230, are separately and severally, found
2 to be true and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$952.50 as of November 6, 2012.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent Liza Ocampo Aspiras has
8 subjected her Registered Nurse License No. 461805 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
11 Nurse License based upon the following violations alleged in the Accusation which are supported
12 by the evidence contained in the Default Decision Evidence Packet in this case:

13 (a) Business and Professions Code section 2761, subdivision (a)(4) on the grounds
14 of unprofessional conduct because on or about December 14, 2009, in case entitled *In the Matter*
15 *of the License of Liza Aspiras, R.N., License No. 28147132A*, the Indiana State Board of Nursing
16 ("Indiana Board") adopted a settlement agreement and issued an order which placed
17 Respondent's nursing license on indefinite probation subject to certain terms and conditions. The
18 reasons underlying the Indiana Board's order were that on or about December 7, 2006,
19 Respondent was charged with exploitation of an endangered adult and theft, both felonies. On or
20 about October 17, 2007, Respondent was also charged with conversion. The criminal charges
21 alleged as follows:

22 (i) In or about August 2002, Respondent began employment as the
23 administrator of Christian Home Health Care Services, Inc. ("Christian Home"). This job
24 required Respondent to be a registered nurse. On October 19, 2004, Respondent obtained power
25 of attorney from an elderly patient, M.D., who was using Respondent and Christian Home for
26 health care services. On March 21, 2005, Respondent cashed out M.D.'s retirement annuity in
27 the amount of \$69,679.50 and deposited the money in an account in her name and M.D.'s name.
28 Respondent wrote a \$2,000 check and a \$60,000 check to her employees at Christian Home.

1 Respondent made other miscellaneous withdrawals and depleted the balance of the account.
2 M.D. claimed she had not given Respondent permission to cash out the annuity. Respondent
3 failed to provide M.D. or M.D.'s appointed guardian with an accounting of the money.
4 Respondent agreed to a stipulated, pre-trial diversion agreement conditioned upon payment of
5 restitution in the amount of \$64,067.18. On or about October 24, 2008, Respondent's criminal
6 charges were dismissed because she completed the terms of her pre-trial diversion agreement.

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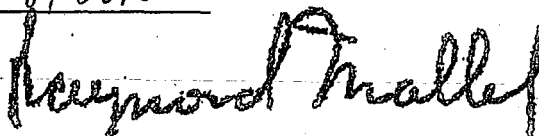
ORDER

IT IS SO ORDERED that Registered Nurse License No. 461805, heretofore issued to Respondent Liza Ocampo Aspiras, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 8, 2013.

It is so ORDERED February 8, 2013



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

51188491.DOC
DOJ Matter ID: LA2012507795

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
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7 Attorneys for Complainant

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2013-230**

12 **LIZA OCAMPO ASPIRAS**
13 **305 67th Avenue**
Schererville, IN 46375

A C C U S A T I O N

14 **Registered Nurse License No. 461805**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about March 31, 1991, the Board of Registered Nursing ("Board") issued
23 Registered Nurse License Number 461805 to Liza Ocampo Aspiras ("Respondent"). The license
24 was in full force and effect at all times relevant to the charges brought herein and expired on
25 November 30, 2010, and has not been renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Section 2811, subdivision (b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTES

7. Section 2761 of the Code states:
"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
"(a) Unprofessional conduct, which includes, but is not limited to, the following:
....
"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part:
"(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board,

1 upon request of the entity bringing the proceeding, the administrative law judge may direct a
2 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
3 to exceed the reasonable costs of the investigation and enforcement of the case.

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5 "(i) Nothing in this section shall preclude a board from including the recovery of the costs
6 of investigation and enforcement of a case in any stipulated settlement."

7 **CAUSE FOR DISCIPLINE**

8 (Disciplinary Action by the Indiana State Board of Nursing)

9 9. Respondent is subject to disciplinary action under Code section 2761, subdivision
10 (a)(4) for unprofessional conduct in that Respondent's license to practice nursing was disciplined
11 by the Indiana State Board of Nursing ("Indiana Board") as follows:

12 10. On or about December 14, 2009, the Indiana Board entered findings of fact,
13 conclusions of law, and made an order pursuant to a settlement agreement to resolve the
14 disciplinary action entitled *In the Matter of the License of Liza Aspiras, R.N., License No.*
15 *28147132A*. In this Order, the Indiana Board found as follows:

16 (a) On or around August 2002, Respondent began employment as the administrator
17 of Christian Home Health Care Services, Inc. ("Christian Home"). This job
18 required Respondent to be a registered nurse.

19 (b) On or about December 7, 2006, Respondent was charged with exploitation of an
20 endangered adult and theft, both felonies. On or about October 17, 2007,
21 Respondent was also charged with conversion. The criminal charges alleged as
22 follows:

23 (i) On October 19, 2004, Respondent obtained power of attorney from an
24 elderly patient, M.D., who was using Respondent and Christian Home for
25 health care services.

26 (ii) On March 21, 2005, Respondent cashed out M.D.'s retirement annuity in
27 the amount of \$69,679.50 and deposited the money in an account in her
28 name and M.D.'s name.

- 1 (iii) Respondent wrote a \$2,000 check and a \$60,000 check to her employees
2 at Christian Home.
- 3 (iv) Respondent made other miscellaneous withdrawals and depleted the
4 balance of account.
- 5 (v) M.D. claimed she had not given Respondent permission to cash out the
6 annuity.
- 7 (vi) Respondent failed to provide M.D. or M.D.'s appointed guardian with an
8 accounting of the money.
- 9 (c) Respondent did not admit to the charges, stated that she did not intend to
10 defraud M.D., and further stated that she was trying to take care of M.D. at
11 M.D.'s request.
- 12 (d) Respondent agreed to a stipulated, pre-trial diversion agreement conditioned
13 upon payment of restitution in the amount of \$64,067.18. On or about October
14 24, 2008, Respondent's criminal charges were dismissed because she completed
15 the terms of her pre-trial diversion agreement.

16 11. As a result of these findings, the Indiana Board concluded Respondent had violated
17 Indiana statutes governing professional nursing and ordered her nursing license disciplined by
18 way of placing Respondent's nursing license on indefinite probation subject to certain terms and
19 conditions.

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Board of Registered Nursing issue a decision:

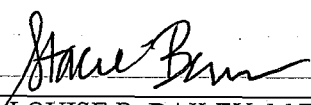
23 1. Revoking or suspending Registered Nurse License Number 461805, issued to Liza
24 Ocampo Aspiras;

25 2. Ordering Liza Ocampo Aspiras to pay the Board the reasonable costs of the
26 investigation and enforcement of this case, pursuant to Business and Professions Code section
27 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: OCTOBER 02, 2012 *for* 
LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

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